

MAY 22 2009

PTO/SB/21 (12-97)

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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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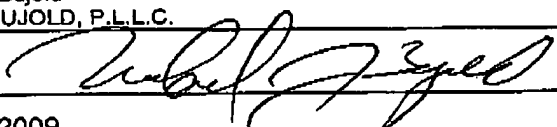
|  |                      |   |               |
|--|----------------------|---|---------------|
| <b>TRANSMITTAL<br/>FORM</b><br><small>(to be used for all correspondence after initial filing)</small> | Application Number   | 10/591,028  |               |
|  | Confirmation Number  |   |               |
|  | Filing Date          | with an effective filing date of February 8, 2005 |               |
|  | First Named Inventor | Josef BADER                                       |               |
|  | Group Art Unit       | 3655  |               |
|  | Examiner Name        | Ha Dinh HO Fax: (571) 273-8300                    |               |
| Total No. of Pages in this Submission: 6   |                      | Attorney Docket Number                            | ZAHFRI P885US |

## ENCLOSURES (check all that apply)


|   |   |  |
|---|---|--|
| <input type="checkbox"/> Fee Transmittal Form (in Duplicate)<br><input type="checkbox"/> Fee attached - Check \$<br><input type="checkbox"/> Amendment/Response<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request (in Duplicate)<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Stmt<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Part/s Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment papers (for an Application)<br><input type="checkbox"/> Drawing(s) - Annotated Sheet(s) Replacement Sheet(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition (DELETED - no longer useful)<br><input type="checkbox"/> To Convert a Provisional Petition<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Small Entity Statement<br><input type="checkbox"/> Request for Refund | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):<br>Request for Consideration of Timely Filed Information Disclosure Statement- 2 pg.<br>Copy of the returned postcard- 1 pg.<br>Copy of the submitted Statement and PTO/SB/08A/08b- 2 pg. |
|---|---|--|

## REMARKS

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|                         |  |  |
|-------------------------|--|--|
| Firm or Individual Name | Michael J. Bujold<br>DAVIS & BUJOLD, P.L.L.C.  | Reg. No. 32,018<br>CUSTOMER NO. 020210 |
| Signature               |  |  |
| Date                    | May 22, 2009   |  |

## CERTIFICATE OF TRANSMISSION

|  |   |
|--|---|
| I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on <u>May 22, 2009</u> |   |
| Signature  |  Date: May 22, 2009 (aag) |

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PATENT APPLICATION MAY 22 2009

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                      |   |   |
|----------------------|---|---|
| In re Application of | : | Josef BADER                                       |
| Serial no.           | : | 10/591,028  |
| Confirmation No.     | : |   |
| Filed                | : | with an effective filing date of February 8, 2005 |
| For                  | : | DEVICE FOR PREVENTING WOBBLING OF                 |
|                      | : | THE PICK-UP GEARS IN A GEARBOX WITH               |
|                      | : | TWO LAYSHAFTS                                     |
| Group Art Unit       | : | 3655  |
| Examiner             | : | Ha Dinh HO  |
| Docket               | : | ZAHFRI P885US                                     |

The Commissioner for Patents  
U.S. Patent & Trademark Office  
P. O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR CONSIDERATION OF  
TIMELY FILED INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

Upon reviewing this application, it has come to the attention of the undersigned that all of the prior art which was timely and properly made of record in this case has not been substantively considered by the Examiner. Specifically, the Applicant prepared and timely filed an Information Disclosure Statement, along with PTO/SB/08a/08b and copies of the necessary citations (a copy of the returned postcard, the submitted Statement and PTO/SB/08A/08b is attached, if copies of the citations are again required, please immediately contact the undersigned). The Examiner has not confirmed to the undersigned, by signing and returning a copy of PTO/SB/08a/08b, that such references were substantively considered. Accordingly, the Applicant respectfully requests the Examiner consider the same at this time.

It is submitted that the allowed claims are distinguishable over all of the prior art of record, including these references which were not previously considered. However, in the event that the Examiner believes further prosecution of this application is warranted in view of this newly considered art, the Examiner is invited to withdraw this case from issue and provide the Applicant with a further action on the merits.

10/591,028

As all of this prior art was previously made of record in this case in a timely manner, it is respectfully submitted that Petition and/or an official fee is **not** necessary and the Examiner is required to substantively consider the same at this time. If any further action on the part of the Applicant is required in order for the Examiner to substantively consider this art, the Examiner is respectfully requested to contact the undersigned attorney immediately.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



Michael J. Bujold, Reg. No. 32,018

Customer No. 020210

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In re Appln. of: Josef BADER  
Serial No.: 10/591,028  
Filed: with an effective filing date of February 8, 2005  
For: DEVICE FOR PREVENTING WOBBLING OF  
THE PICK-UP GEARS IN A GEARBOX WITH  
TWO LAYSHAFTS  
Group Art Unit: 3682  
Examiner:  
Docket: ZAHFRI P885US  
RECEIVED: Transmittal;  
Information Disclosure Statement-1 pg.;  
PTO/SB/08a-1 pg.;  
German Novelty Search Report-5 pgs.;  
3 Citations  
lfb:4/09/07

4/09/07

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of : Josef BADER  
Serial no. : 10/591,028  
Filed : with an effective filing date of February 8, 2005  
For : DEVICE FOR PREVENTING WOBBLING OF  
THE PICK-UP GEARS IN A GEARBOX WITH  
TWO LAYSHAFTS  
Group Art Unit : 3682  
Examiner :  
Docket : ZAHFRI P885US

The Commissioner for Patents  
U.S. Patent & Trademark Office  
P. O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

In connection with this matter, the Applicant hereby attaches United States Patent Office Form PTO/SB/08a and copies of the information listed in the enclosed PTO/SB/08a form, unless otherwise indicated on such Form.


The concise explanation, concerning the now submitted foreign language documents, is found on the submitted German Novelty Search Report (see MPEP § 609). Also enclosed, please find an English translation of the concise explanation, i.e., the category of relevance as asserted by the German searching authority, concerning the relevance of each foreign language document.

As permitted by 37 CFR 1.98, a copy of each cited U.S. patent and/or U.S. patent application publication is not being supplied. If the United States Patent and Trademark Office requires a copy of any of the cited U.S. patent and/or U.S. patent application publication, please notify the undersigned of the same.

Please note that EP-03 61 686 A1 and JP-59-1 75 672 A1 were cited in a previously filed Information Disclosure Statement and thus are not listed on the accompanying PTO/SB/08a/b form

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,

  
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